

Seismic Safety Commission
Minutes of Meeting
September 12, 2002
State Capitol, Room 444
Sacramento, California

Members Participating

Bruce R. Clark, Chairman
Andrew Adelman
Jim Beall
William L. Gates
Lucy Jones
Lawrence T. Klein
Linden Nishinaga
Don Parker
Ashok S. Patwardhan
Daniel Shapiro

Members Absent

Senator Richard Alarcon/Chris Modrzejewski
Mark Church
Stan Y. Moy, Vice Chair
Douglas E. Mochizuki
Celestine Palmer

Staff Participating

Richard McCarthy
Karen Cogan
Robert Anderson
Abby Browning
Henry Reyes
Henry Sepulveda
Fred Turner
Vince Vibat

I. CALL TO ORDER/ROLL CALL

The meeting of the Seismic Safety Commission was called to order by Chairman Bruce Clark at 9:07 a.m. Executive Assistant Karen Cogan called the roll and confirmed the quorum.

II. CHAIRMAN'S REMARKS

Chairman Clark reported that the Commission staff has been working with the California Geological Survey, Office of Emergency Service, and California Earthquake Authority to produce an information and education project for legislators. The goal is to provide each legislator with a folder of information pertaining to seismic hazards in his or her legislative district. Senator Alarcon's staff is assisting with compiling materials, and the packet will include a copy of the updated *Homeowner's Guide to Earthquake Safety* and the Southern California Earthquake Center's "Putting Down Roots in Earthquake Country." Chairman Clark said he was pleased with the progress made so far and promised to provide more information at the October meeting. He encouraged the staff to continue their work on this project.

III. APPROVAL OF JULY 11, 2002 MEETING MINUTES

ACTION: Commissioner Klein made a motion, seconded by Commissioner Parker, that:

The Commission approve the minutes of the July 11 meeting as presented.

* Motion carried, 10 - 0.

IV. EXECUTIVE DIRECTOR'S REPORT

Information/Education for Legislators

Executive Director Richard McCarthy said the information and education packet for legislators will also include some ideas for future bills.

Commissioner Shapiro noted that in the past, Commission members made group visits to legislators to discuss seismic safety. He added such visits might be good opportunities for the Commission to publicize its programs and promote helpful legislation. Mr. McCarthy said the staff has been talking about having commissioners call on legislators. He suggested hand-delivering some of the information packets to selected legislators.

Future Meetings

Mr. McCarthy reminded commissioners of the October 10 meeting in Long Beach, which will include more presentations on applied research. He said the staff has arranged for a tour of the Port of Long Beach on October 9.

Mr. McCarthy noted the final meeting of the AB 16 Advisory Committee is scheduled for November 21, at which their report will be finalized. He suggested postponing the Commission meeting to the following week so the Commission can take action on the AB 16 report.

Commissioners discussed meeting on Tuesday, November 26, or sometime during the first week of December. Mr. McCarthy noted the staff might be able to fax the AB 16 report to commissioners for their review before the Commission meeting. Chairman Clark proposed considering a teleconference meeting if commissioners were not able to attend a meeting in person.

Mr. McCarthy asked commissioners to consider holding the April meeting in San Jose in conjunction with a conference* at the Fairmont Hotel. He suggested Thursday, April 24, as a possible meeting date. There was general agreement among commissioners to schedule the April, 2003, meeting on the 24th in San Jose.

Budget Update

Mr. McCarthy said the Department of Finance has requested the Commission and other state agencies to prepare scenarios showing the effects of a 5 percent budget cut for the 2002-03 fiscal year and a 20 percent cut for 2003-04. He drew attention to the yellow and blue handouts distributed to commissioners before the meeting.

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Commissioner Gates said the pink sheet shows projected general fund budgets for last year, this year, and the following year. He noted the yellow sheet provides more details about how a 5 percent cut, or a \$45,000 reduction, would be absorbed in 2002-03; the blue sheet shows how a 20 percent reduction in 2003-04, an additional \$178,200 cut, would impact the Commission. Commissioner Gates added that the Commission would need to cut two staff positions in 2003-04 to handle a 20 percent cut. He recommended that the Commission adopt the scenarios shown on the yellow and blue sheets and authorize the staff to submit them to the Department of Finance by the September 14 deadline.

Commissioner Beall commented that it might be prudent to break the 20 percent reduction into two priority groups, reflecting the first 10 percent the Commission would cut, and then the remaining 10 percent. Commissioner Gates noted the scenarios are simply exercises at this point and not binding on the Commission. He recommended preserving maximum flexibility by not designating any priorities. Commissioner Beall observed that a 20 percent reduction would have a significant impact on the Seismic Safety Commission's mission because the Commission is already such a small agency. Commissioner Jones recommended making the effect on programs clear when conveying the requested information to the Department of Finance.

ACTION: Commissioner Beall made a motion, seconded by Commissioner Parker, that:

The Commission accept the Budget and Planning Committee's recommendations regarding strategies for coping with possible budget cuts of 5 percent and 20 percent.

Mr. McCarthy noted there was no monthly budget report because numerous invoices were held up pending the late passage of the state budget. He said he would have more specific information at the October meeting. Director of Legislation Henry Sepulveda added the Department of Finance will be letting state agencies know the exact percentage reduction for this year sometime in November or December.

* Motion carried, 10 - 0.

Chairman Clark asked the staff to provide new commissioners with a copy of the 2001-02 budget.

V. COMMITTEE REPORTS

Nominating Committee

Commissioner Gates reported that the Nominating Committee met a couple months ago to discuss Commission officers for the 2002-03 year. The committee solicited nominations at the June meeting, but no one responded at that time. Subsequent to that, Commissioner Gates noted, the committee received an email from Commissioner Patwardhan.

Commissioner Gates said the committee recommends Commissioner Bruce Clark for chair and Commissioner Stan Moy for vice chair. Chairman Clark added that he will be unable to finish his

term as chair, so Commissioner Moy would replace him as chair and the Commission would elect a new vice chair at that time.

Commissioner Gates asked if there were any other nominations from the floor, but no commissioners responded.

ACTION: Commissioner Beall made a motion, seconded by Commissioner Adelman, that:

The Commission elect Bruce Clark Chair and Stan Moy Vice-Chair for the 2002-2003 year.

* Motion carried, 10 - 0.

Strong Motion Instrumentation Advisory Committee

Commissioner Patwardhan said that although state budget cuts are affecting the Strong Motion Instrumentation Program (SMIP), there is still strong interest in the program from new members as well as old-timers. He noted SMIP, funded by a percentage of building permit fees from local jurisdictions, is a collaborative effort of the Seismic Safety Commission, the California Geological Survey, and other state agencies. The program sponsors valuable research and holds popular seminars.

Commissioner Patwardhan added that he has chaired the Strong Motion Instrumentation Advisory Committee for the past two years, and he asked Chairman Clark to nominate a replacement. Chairman Clark responded that he would confer with Commissioner Patwardhan and have a recommendation at the October meeting. He noted the committee chair can be another commissioner or some other member of the committee, and he welcomed input from commissioners after the meeting. He emphasized that the SMIP is an important Commission activity that needs to be continued. Chairman Clark asked that commissioners interested in serving on the committee notify him as soon as possible.

Commissioner Shapiro expressed his appreciation to Commissioner Patwardhan for his leadership. He commended him for bringing new life and enthusiasm to the committee. Chairman Clark joined in thanking Commissioner Patwardhan for his efforts.

VI. AB 16 ADVISORY COMMITTEE UPDATE

Staff Structural Engineer Henry Reyes drew attention to the preliminary report draft in the meeting packet. He reported that the AB 16 Advisory Committee held its first meeting on July 24 in Sacramento, and 24 representatives attended. At that meeting, the committee defined its scope of work and identified issues to be addressed. Mr. Reyes said Mr. Dennis Bellet, Division of the State Architect (DSA), made a presentation about the current process DSA uses for buildings converted to school use. He noted the process is similar to that used for new construction, but the project architect certifies compliance with Field Act requirements. Mr. Reyes added that Governor Davis emphasized the importance of ensuring that buildings converted to school use are as safe as Field Act buildings, a mandate that could be challenging in

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many cases.

Mr. Reyes said the AB 16 Advisory Committee's second meeting was held on August 15, and at that meeting, design professionals made presentations about non-seismic design issues, including problems with mechanical/electrical equipment and construction concerns. Mr. Steve Newsom, representing the Department of Education, discussed current school regulations and issues pertaining to school construction. Mr. Reyes noted the 34 people attending the meeting also reviewed the preliminary draft outline for the report and looked at three interesting case studies of converted buildings.

Mr. Reyes noted the next meeting is scheduled for September 19, and that meeting will feature presentations from structural engineers on the current state of the art and performance standards. Additional meetings are scheduled for October 17 in San Diego and November 21 in Sacramento, at which time the committee will finalized its report.

Mr. Reyes reviewed the draft report format. He noted the report will contain sections describing the committee's purpose, end product, roles of participating agencies, scope of work, steps in the decision-making process, committee findings, justification, and recommendations. He said additional information is posted on the Seismic Safety Commission's Web site.

Commissioner Nishinaga commended the committee for its progress on this difficult task. He recommended posting pictures of the case studies examined by the committee on the Commission's Web site. Mr. Reyes said he would contact the project architects to find out if photographs were available.

Commissioner Nishinaga observed that one important issue the committee needs to address is the level of confidence in assuring the safety of converted buildings. He noted this is a difficult problem for buildings without engineering calculations or detailed architectural drawings. Mr. Reyes said the AB 16 Advisory Committee is likely to recommend that only buildings with plans be considered for school conversions. He agreed it would be very time-consuming and difficult to try to verify materials, design, and construction elements without detailed plans. Mr. Reyes noted the committee discussed developing a feasibility checklist to help school districts identify buildings that are most suitable for conversion. He added that school district representatives will be invited to attend the committee's October meeting in San Diego.

Commissioner Adelman indicated he was interested in seeing a list of buildings converted to school use in recent years. Mr. Reyes said DSA is in the process of compiling a list. He offered to send a copy to the entire Commission once the list is available.

Commissioner Adelman drew attention to the first bulleted item in the staff's update report. He noted achieving "equivalent safety compliance" is a huge problem. Commissioner Adelman added that a typical conversion project can achieve 80 percent compliance with 20 percent of the total cost, but the remaining 20 percent of compliance often represents 80 percent of the cost.

Chairman Clark asked how constituents have reacted to the "equal safety" mandate so far. Mr.

Reyes responded that the committee supports this goal. Commissioner Shapiro added that there has been little debate over the definition of equivalent safety. Mr. Reyes said that after the Field Act was enacted, many pre-1933 buildings had to be retrofitted or demolished. He noted the state has consistently upheld maintaining Field Act standards for California schools.

Mr. McCarthy commented that the Department of Finance and the governor are very interested in the committee's final report. He noted most of the committee's report will be written before the Commission's October meeting, and the November meeting will focus on the findings and justification sections. He suggested that the Commission review the body of the report in October, and then the staff can send the final sections to the Commission for review and approval immediately after the committee's November 21 meeting.

After some discussion, commissioners agreed to tentatively schedule the November meeting for Tuesday, November 26, for the purpose of acting on the committee's report.

VII. LEGISLATIVE REPORT

Mr. Sepulveda referred to the legislative report in the meeting packet and the more recent update. He reviewed the status of Commission-sponsored bills and other bills of interest to the Commission.

Mr. Sepulveda reported that AB 977, the bill to replenish the Commission's emergency earthquake investigations account, was held in the Senate's suspense file and died at the end of the session. AB 2002, regarding urban search and rescue, was approved by the Senate and Assembly and is currently awaiting the governor's signature. SB 717, the residential and local government seismic retrofit bond bill, died in the Assembly suspense file.

Mr. Sepulveda said AB 1000, allowing community colleges to use the design-build process, was amended to incorporate Commission-proposed changes and then narrowed to San Jose, San Mateo, and Los Angeles Community College Districts; the bill is currently awaiting the governor's signature.

Mr. Sepulveda noted that AB 1511, expanding Field Act exemptions to include leased commercial buildings, was approved by both houses and is also awaiting the governor's signature. He said the Commission opposed the bill, and it had been inactive until the end of the legislative session, when it was resurrected by the author. He recommended communicating the Commission's opposition and urging the governor to veto the bill.

Chairman Clark commented that the last-minute revival of the bill was an underhanded move by Assemblyman Frommer. He said the Legislative Advisory Committee recommends an "oppose" position. Commissioner Klein expressed his opinion that the author's tactic was unconscionable.

ACTION: Commissioner Klein made a motion, seconded by Commissioner Parker, that:

The Commission communicate its opposition to the governor as proposed.

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Commissioner Beall recommended that the Commission carefully articulate the reasons for opposing the bill. Mr. Sepulveda added that he spoke with the author's staff and advocated supporting the AB 16 process as a better alternative.

Mr. McCarthy observed that there appears to be a misperception that non-Field Act buildings can be approved more quickly and less expensively than Field Act buildings. He pointed out this is often not the case, and many nonconforming buildings take longer. He recommended articulating this concern to the governor as well.

* Motion carried, 9 - 0 - 1 (Commissioner Adelman abstaining).

Mr. Sepulveda reported that AB 1823, requiring the San Francisco PUC to make annual reports to the Seismic Safety Commission regarding process on Hetch Hetchy improvements and to report on any changes made to the program, is also awaiting the governor's signature. He noted the commission took a "watch" position on the bill and alerted the Department of Finance to possible fiscal impacts on the Commission.

Commissioner Klein asked if the Commission has been given similar review authority for other facilities. Mr. McCarthy responded that the Commission has played similar roles in reviewing the BART retrofit project, the Bay Bridge reconstruction, and nuclear waste storage facilities, a topic to be discussed at the October meeting. Commissioner Gates pointed out the Commission's role is mandated in the bill rather than being sought by the Commission. Chairman Clark said he was comfortable with expanding the Commission's advisory role; he added that regulatory authority would not be appropriate for the Commission.

Commissioner Beall noted many Hetch Hetchy subscribers are concerned about financing the improvements and other issues. Commissioner Klein said the Legislature passed three other bills on Hetch Hetchy, one of which dealt with financing issues. He added the Commission's position on AB 1823 will not make any difference.

Mr. Sepulveda reviewed other enrolled bills currently awaiting the governor's signature: AB 2406, pertaining to the Disaster Assistance Act; SB 1350, regarding anti-terrorism training; SB 1500, seismic mapping; SB 1629, firefighter training; and SB 1992, gas shut-off valve study. He said failed bills include AB 419, seismic retrofit for bridges; AB 1362, state building rehabilitation guidelines; AB 1815, homeland defense bonds; AB 2035, mobile field hospitals; AB 2046, school safety; AB 2201, school emergency managers; SB 27, terrorism training curriculum development; and SB 709, expansion of Field Act exemptions for leased commercial buildings.

Mr. Sepulveda noted the Legislative Advisory Committee also discussed AB 2996, a budget trailer bill that would transfer bridge retrofit funds to highways. The committee expressed concerns about the possible impacts of AB 2996 on seismic safety. Pending further study, the committee recommends delegating permission to convey the Commission's opposition to the governor if it appears bridge projects would be curtailed if AB 2996 is signed. Chairman Clark

noted the Commission may need to move quickly to recommend a veto if necessary.

ACTION: Commissioner Nishinaga made a motion, seconded by Commissioner Jones, that:

The Commission delegate authority to the staff to convey opposition and recommend a veto on AB 2996 if it would have a negative impact on bridge retrofit projects.

Commissioner Beall said the Metropolitan Transportation Commission would be meeting on September 13 to discuss the impact of the bill on San Francisco Bay bridge projects. Chairman Clark asked Mr. Sepulveda to contact the Metropolitan Transportation Commission the following day to determine their position. He recommended making this a condition of the motion.

* Motion carried, 9 - 0 (Commissioner Klein absent during voting).

Mr. Sepulveda said he would provide a final update on the 2002 legislative session at the Commission's October meeting.

Commissioner Gates complimented Mr. Sepulveda and Ms. Abby Browning for their hard work on behalf of the Commission. Other commissioners joined in thanking the staff for their legislative efforts.

Commissioner Patwardhan expressed disappointment at the failure of the bill to replenish the Commission's earthquake investigations account and the residential retrofit bond bill. He recommended reintroducing these measures during the next legislative session. Chairman Clark agreed and noted the Commission will be discussing its legislative package at the November meeting.

VIII. HOSPITAL BUILDING SAFETY BOARD ANNUAL REPORT

Mr. John A. Martin, Chairman, Hospital Building Safety Board (HBSB), presented the HBSB's annual report to the Commission. He noted the HBSB changed its committee structure, shifting the bulk of its activities to ad hoc committees rather than standing committees. He said highlights of the HBSB's activities during 2002-03 included development of a manual of preapproved technical details and a policy intent notice (PIN) to assist hospitals in complying with SB 1953; a flow chart clarifying OSHPD-3 requirements and lines of responsibility for surgery and dialysis clinics; recommendations regarding SB 1953 exemptions for hospital facilities within Seismic Zone 3; and developing recommendations for implementing SB 1801 five-year extensions. Mr. Martin introduced the HBSB's new executive director, Ms. Barbara Ann Martinez.

Chairman Clark asked if the Hospital Building Safety Board was aware of any legislation planned for next year regarding extensions of the SB 1953 five-year compliance deadline. Mr. Martin responded that he was not aware of any legislation being contemplated. He suggested it might make sense to offer some relief for SPC-2 and NPC-3 buildings under certain defined

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conditions. He noted extensions might be appropriate for hospitals building new facilities.

Mr. Martin added that tremendous progress has been made in anchoring nonstructural elements in NPC-2 category buildings. He supported taking a reasonable view in working with hospitals to encourage further compliance.

Chairman Clark noted the Seismic Safety Commission developed a white paper on SB 1953 compliance issues last year, and he recommended that the Commission and HBSB work together to develop appropriate legislation in the future. Mr. Martin said the Board would be pleased to work with the Commission to improve the seismic safety of California hospitals. He noted SB 1953 is doing a great deal of good, but many hospitals are having major problems complying with the deadlines in requirements. In addition, the Office of Statewide Health Planning and Development (OSHPD) is experiencing funding and staffing shortages that impact its ability to oversee the SB 1953 compliance process. Mr. Martin suggested it might be helpful for the HBSB to develop a white paper for the Commission outlining key issues and problems. Chairman Clark encouraged the HBSB to assist the Commission in that regard.

Commissioner Nishinaga asked about the status of bills to extend the five-year compliance deadline. Mr. Martin said the original intent of SB 1801 was to encourage hospitals to build new buildings in exchange for a five-year extension on the 2008 deadline, but the bill failed. He noted SB 842 was another attempt, but that bill died. Mr. Martin said SB 1953 offers extensions for diminished capacity, but otherwise, the 2008 deadline stands. He urged the Seismic Safety Commission to take a proactive stance in helping to develop new legislation.

Commissioner Shapiro noted that Mr. Kurt Schaefer, Deputy Director, OSHPD, had come to the Commission to discuss OSHPD's plans to reorganize its plan-check division. He noted the reorganization plan was controversial, especially among OSHPD managers and supervisors, and he asked about the outcome of the reorganization. Mr. Martin responded that the reorganization has worked very well, and turnaround time has been reduced as a result. He added that OSHPD has been responsive to its customers, but budget cuts and staff shortages are taking their toll.

Chairman Clark thanked Mr. Martin for his presentation. He noted the Commission staff will be in contact with the HBSB in writing to request their input on key issues. Mr. Martin said he would bring this up at the Board's next quarterly meeting.

IX. UPDATE ON RESEARCH ACTIVITIES AT UNITED STATES GEOLOGICAL SURVEY (USGS), SOUTHERN CALIFORNIA

Commissioner Jones gave a presentation summarizing recent research in earthquake hazard reduction in Southern California. She noted USGS has been working with the National Earthquake Hazards Reduction Program (NEHRP) and four federal agencies to learn more about earthquake faults, shaking patterns, damage, mitigation implementation, and post-earthquake response. She said the goals of the five-year Earthquake Hazards Program include conducting research, developing products, and disseminating earthquake information.

In terms of research, Commissioner Jones discussed efforts to improve hazards mapping and knowledge of earthquake physics. She noted researchers have been studying earthquake ruptures, recurrence, foreshocks and aftershocks, remote triggering, and prediction methods. Commissioner Jones said key products for earthquake loss reduction include national hazard maps, studies of historical seismicity in the Bay Area, information on earthquake probabilities, risks in Southern California, a consensus model of site effects, earthquake scenario planning, and hazard assessment tools. In the area of disseminating earthquake information, Commissioner Jones discussed development of an advanced national seismic system with nationwide and regional centers, real-time information posting on Web sites, shake maps, deformation monitoring activities, and use of a public outreach questionnaire.

Commissioner Jones provided commissioners with a packet of products produced by the USGS Earthquake Hazards Program and noted the report in the meeting packet contains additional details.

Chairman Clark thanked Commissioner Jones for her presentation.

X. JAPANESE TRANSLATION OF THE CALIFORNIA EARTHQUAKE LOSS REDUCTION PLAN

Dr. Guna Selvadury, Collaborative for Disaster Mitigation (CDM), explained that CDM is a partnership funded by a FEMA hazard mitigation grant. CDM projects include conferences and symposia, translations of documents on earthquake safety, guidelines for mitigating hazards in laboratories, GIS utilization, a survey of helicopter landing sites, the HAZUS network, research on lab chemical safety, and investigation of soft first-story multi-family dwellings.

Dr. Selvadury discussed CDM's translation products. He noted CDM translated a brochure on helping children cope after a major earthquake, energy-saving tips, and the Commission's *California Earthquake Loss Reduction Plan*. He said the Japanese translation of the *Plan*, funded by the Commission, is the first step in fulfilling the MOU signed by Governor Davis on September 6, 2002, between the State of California and the Shizuoka Prefecture. The purpose of the MOU is to improve lines of communication between California and Japan by sharing information that can ultimately help reduce the impacts of natural and manmade disasters.

Dr. Selvadury said CDM hopes to translate more documents in the future, including the *Homeowner's Guide to Earthquake Safety*. He recommended revising the contents somewhat to make them more understandable for a broader audience. He also noted that Spanish-language translations of other Commission documents would be very helpful to people in Latin and South America.

Commissioner Nishinaga commended Dr. Selvadury and CDM for their efforts and thanked Mr. McCarthy his leadership on this project. He noted that based on his own experience attending conferences in Japan there appear to be a gap between Japanese engineers' and American engineers' knowledge and understanding of state-of-the-art applied earthquake science. Commissioner Nishinaga volunteered to help the Commission bridge some of these gaps through

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the recently executed Cooperative Agreement between the State of California and the Prefecture of Shizuoka. He added that translating documents benefits the international scientific community as well as California.

Mr. McCarthy said he attended a conference of the Organization of American States a couple years ago, and attendees expressed great interest in the *Homeowner's Guide* and other Commission publications. He urged the Commission to move forward with translating more documents into Spanish.

Commissioner Jones commented that the Southern California Earthquake Center's publication, "Putting Down Roots in Earthquake Country," was never translated due to lack of funding. She noted publishing these documents on the Web site can help reduce printing costs substantially. Chairman Clark urged the staff to pursue this possibility.

Mr. McCarthy said the staff will post the Japanese translation of the *Plan* on the Commission's Web site.

XI. MISCELLANEOUS/GOOD OF THE MEETING

Commissioner Nishinaga thanked Mr. Sepulveda for the information provided to the Commission about legislation this year.

Commissioner Parker said Senior Structural Engineer Fred Turner had been very helpful to him with a project involving a power plant at Mare Island in Vallejo. He said a safety subcommittee has looking at health risks and hazards as well as analyzing alternative sites. He noted former Commission executive director Tom Tobin is being hired as a consultant on the project.

Chairman Clark expressed the Commission's appreciation to the entire staff.

XI. ADJOURNMENT

There being no further business, the meeting was adjourned at 12:18 p.m.

Sue Celli
Office Supervisor

Approved by:

Richard McCarthy
Executive Director